

REAL ESTATE BOARD

MINUTES OF MEETING

March 24, 2005

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman
Nathaniel Brown (arrived at 9:43 a.m.)
Judith L. Childress
Marjorie Clark
Carol F. Clarke
Florence Daniels
Sharon Parker Johnson
Byrl Taylor

Board member Miles Leon was not present.

DPOR staff present for all or part of the meeting included:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director
Nick W. Christner, Deputy Director
Christine Martine, Executive Director
John Cancelleri, Fair Housing Administrator
Doug Schroeder, Director, Adjudication
Liz Hayes, Fair Housing Investigative Supervisor
Bryan Carver, Fair Housing Investigator
Deanda Shelton, Fair Housing Investigator
Amy Chappell, Legal Assistant
Tamika Jones, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Tammy Hall, Education Administrator
Tom Perry, Property Registration Administrator
Cynthia Schrier, Community Association Liaison
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

Wayne Halbleib and Eric Gregory from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:17 a.m.
No one addressed the Board during the **Public Comment period**.

Call to Order
Public Comment Period

A motion was made by Ms. Taylor and seconded by Ms. Clark to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Agenda

A motion was made by Ms. Clark and seconded by Ms. Taylor to adopt the following minutes: January 19, 2005, Informal Fact-Finding Conference; January 20, 2005, Informal Fact-Finding Conference; January 26, 2005, Informal Fact Finding Conference; January 27, 2005, Real Estate Board Meeting; February 3, 2005, Informal Fact-Finding Conference; February 7, 2005, Informal Fact-Finding Conference; February 9, 2005, Informal Fact-Finding Conference; February 10, 2005, Informal Fact-Finding Conference (1); February 10, 2005, Informal Fact-Finding Conference (2); February 17, 2005, Informal Fact-Finding Conference; February 23, 2005, Real Estate Board Emergency Telephone Meeting; February 25, 2005, Informal Fact Finding Conference; and March 3, 2005, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Minutes

After an introduction by Mr. Cancelleri, the following cases were presented to the Board.

Fair Housing
Administrator's Report

The Board considered the matters of **Lynette Gabriel v. Summit Realty and Beth Burke, REB File Number 2005-01306**. A motion was made by Ms. Taylor and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Lynette Gabriel v.
Summit Realty and Beth
Burke, REB File
Number 2005-01306

The Board considered the matter of **Daryll Johnson v. Motley Auctions, Inc., t/n Motley Real Estate Services, REB File Number 2005-01178**. Daryll Johnson, complainant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Daryll Johnson v. Motley
Auctions, Inc., t/n
Motley Real Estate
Services, REB File
Number 2005-01178

The Board considered the matter of **Shellee Goldberg v. Virginia Clark-Billups and Weichart Realtors, REB File Number 2005-01637**. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Shellee Goldberg v.
Virginia Clark-Billups
and Weichart Realtors,
REB File Number 2005-
01637**

The Board considered the matter of **Bishop Richard Hall v. William Hartstock and Long & Foster Realtors, REB File Number 2005-00446**. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Bishop Richard Hall v.
William Hartstock and
Long & Foster Realtors,
REB File Number 2005-
00446**

The Board considered the matter of **Eric Swain v. Timothy Greenway, L.T. McGhee & Co., Sam Spangler and Gwyn & Harmon Realtors, GMAC Real Estate, REB File Number 2005-01807**. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Eric Swain v. Timothy
Greenway, L.T. McGhee
& Co., Sam Spangler
and Gwyn & Harmon
Realtors, GMAC Real
Estate, REB File
Number 2005-01807**

The Board considered the matter of **Lesia Collins v. CHPC Realty, Sue Golden and Brenda Meadows, REB File Number 2005-01319**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Lesia Collins v. CHPC
Realty, Sue Golden and
Brenda Meadows, REB
File Number 2005-01319**

The Board considered the matter of **Bonnie and Leslie Kast v. CHPC Realty and Sue Golden, REB File Number 2005-02052**. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Bonnie and Leslie Kast
v. CHPC Realty and Sue
Golden, REB File
Number 2005-02052**

The Board considered the matter of **Mary Gray v. G.E. Matthews, Inc., REB File Number 2005-00943**. A motion was made by Ms. Clarke and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Mary Gray v. G.E.
Matthews, Inc., REB
File Number 2005-00943**

The Board considered the matter of **Valerie Jackson v. Jackie Szpiech and JSB Realty Corporation t/a RE/MAX Allegiance, REB File Number 2004-04963**. A motion was made by Ms. Clark and seconded by Ms. Clarke to find no cause for the refusal to rent and discriminatory terms and conditions. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Valerie Jackson v. Jackie Szpiech and JSB Realty Corporation t/a RE/MAX Allegiance, REB File Number 2004-04963

A motion was made by Ms. Clarke and seconded by Ms. Clark to find reasonable cause for failing to make a reasonable accommodation but to defer issuing a charge until the next Board meeting in order to pursue intense conciliation. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

The Board considered the matter of **Eric and Peggy Overbey v. Drucker & Falk, LLC, Trena Robertson, Jose Ortiz, Jane Adkins, REB File Number 2005-02186**. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Conciliation Agreements

The Board considered the matter of **Larry and Lakishia Connor v. Lifestyle Homes, LLC, Ray Zimmerman, Long & Foster Real Estate, Inc., Joann Bradlee, Pam Thompson, REB File Number 2005-01734**. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Taylor to approve the Fair Housing minutes of January 27, 2005. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Fair Housing Minutes

Board member Nathaniel Brown arrived at 9:43 a.m.

Arrival of Board Member

In the matter of **File Number 2004-04622 Rebecca Straley**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. The following individuals were present and addressed the Board: Rebecca Straley, respondent,

File Number 2004-04622 Rebecca Straley

Lem Marshall, attorney for respondent, Ann and James Riordan, complainants, Barbara Maher, witness, Sunset Caldwell, witness, Michael Straley, witness, Paul DiCicco, witness, Ann Deutch, witness, and Tony Mazza, witness. A motion was made by Ms. Clarke and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of § 54.1-2131(B) of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact Finding Conference and find a violation of § 54.1-2131(A)(1) of the Code of Virginia (Count 2). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

At 10:50 a.m. Ms. Clark made a motion which was seconded by Ms. Taylor, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal, Nick Christner, and Christine Martine.

Closed Meeting

This motion is made with respect to the matter(s) identified as agenda item(s):

5. File Number 2004-04622 Rebecca Straley

At 11:20 a.m., a motion was made by Ms. Johnson and seconded by Ms. Taylor that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification

by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

NAYS: None

ABSENT DURING THE VOTE: Florence Daniels

ABSENT DURING THE MEETING: Miles Leon

A motion was made by Ms. Clarke and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact Finding Conference and instead offer a Consent Order finding a violation of 18 VAC 135-20-220.A.3 of the Board's 2003 regulations and impose a monetary penalty of \$250 for the violation with an additional \$300 in investigative costs. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

File Number 2004-04622
Rebecca Straley

The Board recessed for break from 11:25 a.m. to 11:35 a.m.

Break

In the matter of **File Number 2004-04699 James Whitehead**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. James Whitehead, respondent, and Jerome Friedlander II, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-190.D.4. of the Board's 2003 Regulations for Count 1. The motion passed unanimously. Members

File Number 2004-04699
James Whitehead

voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02554 Michael Lauler**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Michael Lauler, respondent, and Joseph Cerroni, attorney for respondent, were present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny a waiver of the Board's experience requirement to obtain a broker's license. The motion failed. Member voting "Yes" was Taylor. Members voting "No" were Brown, Clarke, Johnson, and Oglesby. Ms. Daniels abstained from voting.

File Number 2005-02554
Michael Lauler

A motion was made by Ms. Clarke and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact Finding Conference and instead to approve Mr. Lauler's application for a real estate broker's license. The motion passed. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, and Oglesby. Member voting "No" was Taylor.

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02615 Ingrid von Magdenko-Reichard**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ingrid von Magdenko-Reichard, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. von Magdenko-Reichard's for a salesperson's license as she does not meet the experience requirements for a broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02741 David Gianascoli**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Rusty Ryland, attorney for the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a waiver of the Board's experience requirement to obtain a broker's license due to Mr. Gianascoli not having the basic sales or brokerage experience necessary and has not been actively engaged as a salesperson and/or broker for 36 of the 48 months preceding his application. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2005-02309 Cynthia Lawhorne**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Cynthia Lawhorne, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-

File Number 2005-02615
Ingrid von Magdenko-Reichard

File Number 2005-02741
David Gianascoli

File Number 2005-02309
Cynthia Lawhorne

Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Lawhorne's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

In the matter of **File Number 2005-02307 Oswaldo Cabrera**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Oswaldo Cabrera, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Cabrera's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02307
Oswaldo Cabrera

In the matter of **File Number 2005-02590 Jason Bhattacharya**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Jason Bhattacharya, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Bhattacharya's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02590
Jason Bhattacharya

In the matter of **File Number 2005-02304 Nathan Speight**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Speight, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Speight's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson,

File Number 2005-02304
Nathan Speight

Oglesby, and Taylor.

In the matter of **File Number 2005-02569 Daryoush Ghalambor**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Ghalambor, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Ghalambor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02569
Daryoush Ghalambor

In the matter of **File Number 2005-02573 Kevin Barklage**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Barklage, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Barklage's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02573
Kevin Barklage

In the matter of **File Number 2005-02571 Immanuel Sutherland**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Sutherland, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Sutherland's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02571
Immanuel Sutherland

In the matter of **File Number 2005-02246 Tonia Richardson**, the Board reviewed the record which consisted of the application file,

File Number 2005-02246
Tonia Richardson

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Richardson, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Richardson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

In the matter of **File Number 2005-02574 David Clark**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Bob Hawthorne, attorney for applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Clark's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02574
David Clark

In the matter of **File Number 2005-02591 Marjorie Finch**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Marjorie Finch, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Finch's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02591
Marjorie Finch

In the matter of **File Number 2005-02589 Robert Porco**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Robert Porco, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation

File Number 2005-02589
Robert Porco

contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Porco's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

In the matter **File Number 2004-01169 Matilda Russell**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.8. of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2004-01169
Matilda Russell

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of Regulation 18 VAC 135-20-290.2. of the Board's 1999 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of Regulation 18 VAC 135-20-300.6. of the Board's 1999 Regulations for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000 for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000 for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or votes related to this matter.

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting.

In the matter of **File Number 2005-01711, Virginia Real Estate Transaction Recovery Act Claim of Wanda M. Criner (Claimant) and Larry J. Miller (Regulant)** the Board reviewed the record, which consisted of the Recovery Act Claim, transcript, exhibits from the IFF, and the presiding board member's summary. A motion was made by Ms. Clark and seconded by Ms. Daniels to pay the claim in the amount of \$17,537 which includes \$15,000 for the unsatisfied judgment, \$2,500 in attorney's fees, and \$37 in court costs.. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Childress, Daniels, and Johnson.

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair

In the matter of **File Number 2004-02700, Virginia Real Estate Transaction Recovery Act Claim of Michael Dominiak (Claimant) and Raduis Realty Group, Ltd. (Regulant)** the Board reviewed the record, which consisted of the Recovery Act Claim, transcript, exhibits from the IFF, and the presiding board member's summary. A motion was made by Ms. Clarke and seconded by Ms. Daniels to make payment in accordance with the decree entered by the Circuit Court in the amount of \$7,612.54. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Johnson, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding

Transfer of Chair

File Number 2005-01711
Wanda M. Criner
(Claimant) and Larry J.
Miller (Regulant)

Transfer of Chair

File Number 2004-02700
Michael Dominiak
(Claimant) and Raduis
Realty Group, Ltd.
(Regulant)

Conference, Ms. Clark did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-02946 Richard Gerber**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Gerbers's application for a real estate broker's license subject to him taking 180 hours of broker's education, passing the examination and being under an agreement of licensure for one year in which he can only act as an associate broker, he must report quarterly with his broker, and at the end of one year if Mr. Gerber wishes to become a Principal Broker he must appear before the Board. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02946
Richard Gerber

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or votes related to this matter.

The Board recessed for a break from 1:10 p.m. to 1:23 p.m.

Break

In the matter of **File Number 2005-02169 Thomas Cauley**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Cauley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02169
Thomas Cauley

In the matter of **File Number 2004-04946 Carol Holley**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Holley. A motion was made by Ms. Taylor and seconded by Ms. Clark to accept the Consent Order wherein Ms. Holley admits to a violation of 18 VAC 135-20-310(2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$250 for the violation and agrees to reimburse the Board for \$200 in investigative

File Number 2004-04946
Carol Holley

costs for a total of \$450. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

In the matter of **File Number 2005-00474 Charles Chappell**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Chappell. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Chappell admits to a violation of § 54.1-2131.A.4 of the Code of Virginia and agrees to a monetary penalty of \$500 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-00474
Charles Chappell

In the matter of **File Number 2005-02148 Chandler Scarborough**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Scarborough. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Scarborough neither admits nor denies a violation of 18 VAC 135-20-320.6 (Count 1) and 18 VAC 135-20-320.6 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1000 for each of the violations and agrees to reimburse the Board for investigative costs in the amount of \$400 for a total of \$2,400. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02148
Chandler Scarborough

In the matter of **File Number 2004-04752 Danita Norman**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Norman. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the Consent Order wherein Ms. Norman admits to a violation of 18 VAC 135-20-300.6 of the Board's 2003 Regulations and agrees to a monetary penalty of \$200 for the violation and agrees to reimburse the Board \$100 for investigative costs for a total of \$300. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2004-04752
Danita Norman

The Board considered the request of Michael Inman, representative of Snug Harbor Real Estate, to appoint Alan R. Gregor to close out the real estate business of Snug Harbor Real Estate for 180 days for the purpose of concluding the business in accordance with § 54.1-2109 of the Code of Virginia. A motion was made by Ms. Daniels and seconded by Ms. Clarke to allow Alan R. Gregor, to close out the real

Death of Broker

estate business of Snug Harbor Real Estate in accordance with § 54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Ms. Johnson read the Education Committee Report. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the March 23, 2005, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**Education Committee
Report**

Ms. Martine updated the Board on the status of the Spring 2005 Issue of the Board's newsletter *VREB Speaking*. The newsletter has been sent to the printers to be mailed to all license holders and approved proprietary schools.

Old Business

Staff provided updates on current legislation.

New Business

The Board discussed possible protection for individuals who file complaints and escalation clauses.

No action was taken by the Board.

In the matter of **File Number 2005-03097 William Floyd**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a waiver of the Board's experience requirement to obtain a broker's license due to Mr. Floyd's lack of brokerage related activity and not being actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

**File Number 2005-03097
William Floyd**

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2005-02247 Susan Ronan**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding

**File Number 2005-02247
Susan Ronan**

Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Ronan's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2005-02619 Vicky Lawson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Lawson's application for a real estate broker's license but defer issuance until August 2005 conditioned on her staying actively engaged as a salesperson until that time. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02619
Vicky Lawson

As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or vote related to this matter.

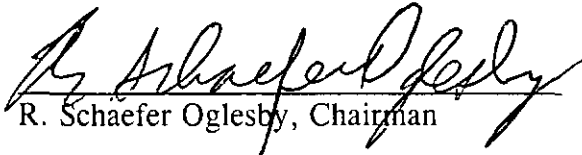
In the matter of **File Number 2005-02616 Elissa Fisher**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Fisher's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Daniels, Johnson, Oglesby, and Taylor.

File Number 2005-02616
Elissa Fisher

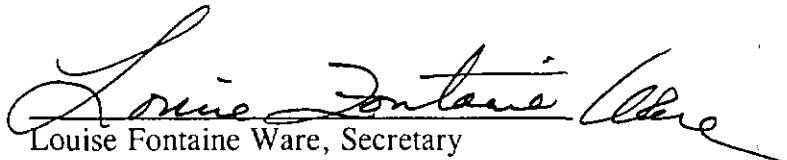
As the presiding Board members at the Informal Fact-Finding Conference, Ms. Clark and Ms. Childress did not participate in the discussion or vote related to this matter.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to adjourn the meeting at 2:19 p.m. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Clarke, Daniels, Johnson, Oglesby, and Taylor.

Adjourn



R. Schaefer Oglesby, Chairman



Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

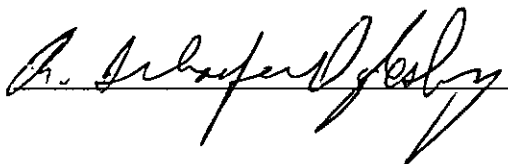
1. Name: R. Schaefer Oglesby
2. Title: Chairman - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Nathaniel Brown
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

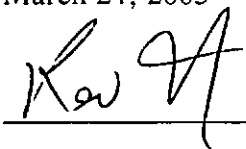
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: _____



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Judith L. Childress
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

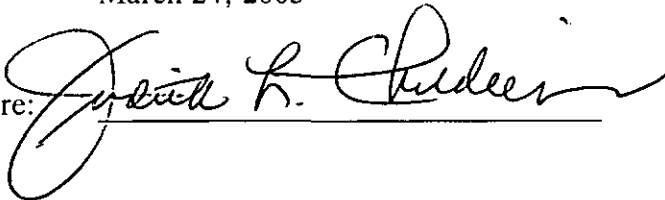
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: _____



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Marjorie Clark
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: none

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: Marjorie M. Clark

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Carol F. Clarke
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: _____

Carol F. Clarke

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
2. Title: Vice Chairman – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: Florence Daniels

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Sharon Parker Johnson
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: Sharon P. Johnson

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Byrl Phillips Taylor
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: March 24, 2005

Signature: 